

**REMARKS/ARGUMENTS**

**1. Rejections of claims 1-16:**

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
5 admitted prior art (AAPA) in view of Kato Tatsuya (JP 2003-085751).

**Response:**

Claim 1 is amended according to steps 106 and 110 of Fig.4. No new matter is  
introduced. Allowance of the amendment is hereby requested.

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In the currently amended claim 1, it is clear that when a first timing offset is detected  
between the timing occurring the maximum signal strength in the signal waveform associated  
with the test even mark and the timing occurring the maximum signal strength in a first ideal  
waveform, a plurality of writing periods used for forming an even mark is adjusted according  
15 to the first timing offset; and when a second timing offset is detected between the timing  
occurring the maximum signal strength in the signal waveform associated with the test odd  
mark and the timing occurring the maximum signal strength in a second ideal waveform, a  
plurality of writing periods used for forming an odd mark is adjusted according to the second  
timing offset. **Thus, the timing occurring the maximum signal strength in the signal**  
20 **waveform associated with the even mark and the timing occurring the maximum signal**  
**strength in the signal waveform associated with the odd mark can be optimized.**

It is disagreed that Figs.2-3 of the AAPA teach forming a test odd mark and a test even  
mark on an optical disk. Neither the even mark in Fig.2 nor the odd mark in Fig.3 is a test  
25 mark. In reference to Fig.5, it is clear that the timing occurring the maximum signal strength  
in the signal waveform associated with the even mark in Fig.2 or the odd mark in Fig.3 may  
not be the optimal timing. Moreover, **the AAPA provides no solution for solving the**

**problem, which is to adjust the even mark or the odd mark so as to optimize the timing occurring the maximum signal strength in the associated signal waveform.** And since the AAPA fails to teach or suggest step (a) of the currently amended claim 1, it cannot possibly teach or suggest steps (b) and (c) of the currently amended claim 1.

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In order to explain Kato Fig.1 in detail, paragraph [0033] ~ [0036] is translated as follows:

[0033] Fig.1 is drawing showing roughly the principal part of the information recording device concerning the desirable embodiment of this invention.

10 [0034] this operative condition -- the information recording device applied like is equipped with the controller 4 which controls actuation of the spindle motor 2 for rotating an optical recording medium 1, the head 3 which irradiates the laser beam for record at an optical recording medium 1, and a spindle motor 2 and a head 3, the laser drive circuit 5 which supplies a laser driving signal to a head 3, and the lens drive circuit 6 which supplies a lens driving signal to a head 3 as shown in Fig.1.

15 [0035] Furthermore, as shown in Fig.1, the focus servo flattery circuit 7, the tracking servo flattery circuit 8, and the laser control circuit 9 are contained in the controller 4. If it will be in the condition that the focus started the recording surface of the revolving optical recording medium 1 when the focus servo flattery circuit 7 was activated and the tracking servo flattery circuit 8 is activated, the spot of a laser beam will be in an automatic flattery condition to the signal track which is carrying out eccentricity of the optical recording medium 1. The focus servo flattery circuit 7 and the tracking servo flattery circuit 8 are equipped with the automatic gain control function for carrying out regulating automatically of the automatic gain control function and tracking gain for carrying out regulating automatically of the focal gain, 20 respectively. Moreover, the laser control circuit 9 is a circuit which generates the laser driving signal supplied by the laser drive circuit 5, and generates a suitable laser driving signal based on the record conditioning information currently recorded on the optical recording medium 1. Here, record conditioning information means the information used since various required

conditions, for example, the record strategy explained in full detail to the power of the laser beam for record or the following, are specified when recording data to an optical recording medium 1. What [ not only ] shows a monograph affair required for record of data concretely as record conditioning information but the thing which specifies record conditions by  
5 specifying either of the various conditions beforehand stored in the information recording device is contained.

[0036] In addition, it is not necessary to be the circuit incorporated in the controller 4 about these focus servo flattery circuit 7, the tracking servo flattery circuit 8, and the laser control circuit 9, and you may be components separate from a controller 4. Furthermore, these do not  
10 need to be physical circuits and may be software performed within a controller 4.

From the above paragraphs, it is disagreed that Kato Figs.1-3 teach step (c) of the currently amended claim 1 of the present application. Further as shown in paragraph [0007] of Kato, the purpose of Kato is to offer the improved information record approach and the  
15 improved information recording device to an optical recording medium so as to raise the linear velocity in record/playback. **Kato has no concern about optimizing the timing occurring the maximum signal strength in the signal waveform associated with an odd or even mark**, thus it also fails to teach or suggest steps (b) and (c) of the currently amended claim 1. Since neither the AAPA nor Kato teaches or suggests steps (b) and (c) of the  
20 currently amended claim 1, and **neither the AAPA nor Kato teaches or suggests any method for optimizing the timing occurring the maximum signal strength in the signal waveform associated with an odd or even mark**, it is believed that the AAPA and Kato cannot be reasonably combined to form the currently amended claim 1 of the present application. And the currently amended claim 1 of the present application is patentable over  
25 the AAPA in view of Kato.

Since claims 2-16 are dependent on the currently amended claim 1, they should be patentable over the AAPA in view of Kato if the currently amended claim 1 of the present

application is patentable over the AAPA in view of Kato.

**2. Rejections of claims 17, 18:**

Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
5 admitted prior art (AAPA) in view of Kato Tatsuya (JP 2003-085751).

**Response:**

Claim 18 is merged into claim 17 and is therefore canceled. No new matter is  
introduced in claim 17. Allowance of the amendment is hereby requested.

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In the Office action, the examiner refers to the AAPA, Fig.1 and Kato, Fig.1 as  
teaching an detector capable of notifying the controller how to adjust writing periods  
according to information obtained from reading the odd marks and the even marks by the  
optical pick-up unit. However, such a detector cannot be identified by the applicant. It is  
15 believed that neither the AAPA nor Kato has such teaching. Therefore, the currently amended  
claim 17 of the present application is patentable over the AAPA in view of Kato.

**3. Rejections of claims 19, 20:**

Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
20 admitted prior art (AAPA) in view of Kato Tatsuya (JP 2003-085751).

**Response:**

Claim 19 is amended to remove a limitation. No new matter is introduced in claim 19.  
Allowance of the amendment is hereby requested.

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Like the argument in the response for the currently amended claim 17, it is believed  
that neither the AAPA nor Kato teaches or suggests an adjuster capable of adjusting a  
plurality of writing periods used by the optical pick-up unit according to information analyzed

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by the detector. Thus the currently amended claim 19 of the present application is patentable over the AAPA in view of Kato.

5 Since claims 20 is dependent on the currently amended claim 19, claim 20 should be patentable over the AAPA in view of Kato if the currently amended claim 19 of the present application is patentable over the AAPA in view of Kato.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



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20 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)